

AMENDED IN SENATE AUGUST 13, 2002

AMENDED IN SENATE AUGUST 5, 2002

AMENDED IN ASSEMBLY MAY 31, 2001

AMENDED IN ASSEMBLY MAY 1, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1155

**Introduced by Assembly Member Dutra
(Principal coauthor: Assembly Member Leslie)
(Coauthor: Assembly Member Koretz)**

February 23, 2001

An act to amend Section 182 of, and to add Section 529.7 to, the Penal Code, relating to identity theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 1155, as amended, Dutra. Identity theft.

Existing law makes it a crime to manufacture, offer for sale, sell, or transfer a document that falsely appears to be a government-issued identification card or driver's license. In addition, existing law makes it a crime for a person to obtain the personal identifying information of another person without that person's authorization and to use that information for any unlawful purpose. Existing law also makes it a crime to conspire to commit any crime.

This bill would authorize a court to impose a fine of \$25,000 on a person who receives a felony conviction for conspiring to commit identity theft.

This bill would also make it a misdemeanor for a person to obtain, or assist another person in obtaining, a driver's license, identification card, vehicle registration certificate, or other official document issued by the Department of Motor Vehicles if the person has knowledge that the person obtaining the document is not entitled to it.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 182 of the Penal Code is amended to
2 read:

3 182. (a) If two or more persons conspire:

4 (1) To commit any crime.

5 (2) ~~Falsify~~ *Falsely* and maliciously to indict another for any
6 crime, or to procure another to be charged or arrested for any
7 crime.

8 (3) Falsely to move or maintain any suit, action, or proceeding.

9 (4) To cheat and defraud any person of any property, by any
10 means which are in themselves criminal, or to obtain money or
11 property by false pretenses or by false promises with fraudulent
12 intent not to perform those promises.

13 (5) To commit any act injurious to the public health, to public
14 morals, or to pervert or obstruct justice, or the due administration
15 of the laws.

16 (6) To commit any crime against the person of the President or
17 Vice President of the United States, the Governor of any state or
18 territory, any United States justice or judge, or the secretary of any
19 of the executive departments of the United States.

20 They are punishable as follows:

21 When they conspire to commit any crime against the person of
22 any official specified in paragraph (6), they are guilty of a felony



1 and are punishable by imprisonment in the state prison for five,
2 seven, or nine years.

3 When they conspire to commit any other felony, they shall be
4 punishable in the same manner and to the same extent as is
5 provided for the punishment of that felony. If the felony is one for
6 which different punishments are prescribed for different degrees,
7 the jury or court which finds the defendant guilty thereof shall
8 determine the degree of the felony the defendant conspired to
9 commit. If the degree is not so determined, the punishment for
10 conspiracy to commit the felony shall be that prescribed for the
11 lesser degree, except in the case of conspiracy to commit murder,
12 in which case the punishment shall be that prescribed for murder
13 in the first degree.

14 If the felony is conspiracy to commit two or more felonies which
15 have different punishments and the commission of those felonies
16 constitute but one offense of conspiracy, the penalty shall be that
17 prescribed for the felony which has the greater maximum term.

18 When they conspire to do an act described in paragraph (4), they
19 shall be punishable by imprisonment in the state prison, or by
20 imprisonment in the county jail for not more than one year, or by
21 a fine not exceeding ten thousand dollars (\$10,000), or by both that
22 imprisonment and fine.

23 When they conspire to do any of the other acts described in this
24 section, they shall be punishable by imprisonment in the county
25 jail for not more than one year, or in the state prison, or by a fine
26 not exceeding ten thousand dollars (\$10,000), or by both that
27 imprisonment and fine. When they receive a felony conviction for
28 conspiring to commit identity theft, as defined in Section 530.5,
29 the court may impose a fine of up to twenty-five thousand dollars
30 (\$25,000).

31 All cases of conspiracy may be prosecuted and tried in the
32 superior court of any county in which any overt act tending to
33 effect the conspiracy shall be done.

34 (b) Upon a trial for conspiracy, in a case where an overt act is
35 necessary to constitute the offense, the defendant cannot be
36 convicted unless one or more overt acts are expressly alleged in the
37 indictment or information, nor unless one of the acts alleged is
38 proved; but other overt acts not alleged may be given in evidence.

39 SEC. 2. Section 529.7 is added to the Penal Code, to read:

1 529.7. Any person who obtains, or assists another person in
2 obtaining, a driver's license, identification card, vehicle
3 registration certificate, or any other official document issued by
4 the Department of Motor Vehicles, with knowledge that the person
5 obtaining the document is not entitled to the document, is guilty
6 of a misdemeanor, and is punishable by imprisonment in a county
7 jail for up to one year, or a fine of up to one thousand dollars
8 (\$1,000), or both.

9 SEC. 3. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.

